



DEC 27 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

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 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/927,422	08/10/2001	Dino Dina	377882001420

CONFIRMATION NO. 6952

FORMALITIES LETTER



\*OC000000006795765\*

 Karen R. Zachow  
 Morrison & Foerster LLP  
 755 Page Mill Road  
 Palo Alto, CA 94304-1018

Date Mailed: 09/26/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

12/31/2001 BADRANA1 00000625 031952 09927422

FILED UNDER 37 CFR 1.53(b)

01	FD-201	370.00	CH
02	FD-203	65.00	CH
03	FD-207	936.00	CH
04	FD-202	42.00	CH
05	FD-204	140.00	CH

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 355 to complete the basic filing fee for a small entity.*
- Total additional claim fee(s) for this application is \$1111.
  - \$936 for 104 total claims over 20.
  - \$40 for 1 independent claims over 3 .
  - \$135 for multiple dependent claim surcharge.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1531.
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

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*A copy of this notice **MUST** be returned with the reply.*



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Customer Service Center

Initial Patent Examination Division (703) 308-1202

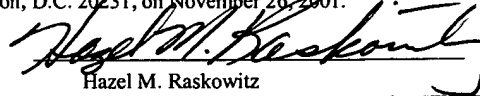
PART 2 - COPY TO BE RETURNED WITH RESPONSE



PATENT  
Docket No. 377882001420

**CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents, Washington, D.C. 20231, on November 26, 2001.

  
Hazel M. Raskowitz

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the application of:

Gary VAN NEST et al.

Serial No.: 09/927,422

Filing Date: August 10, 2001

For: BIODEGRADABLE  
IMMUNOMODULATORY  
FORMULATIONS AND METHODS  
FOR USE THEREOF

Examiner: To be assigned

Group Art Unit: 1632

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL  
APPLICATION WITH RESPECT TO THE COMPLIANCE WITH THE  
REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE  
SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the Notice to File Missing Parts mailed September 26, 2001, please find enclosed a paper and computer-readable copy of the Sequence Listing.

The undersigned hereby states that the content of the attached papers and the computer readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same.

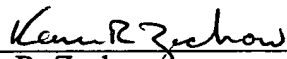
This paper is submitted to comply with the United States Patent Office rules governing gene sequences. No new matter is added.

In the unlikely event that the transmittal letter is separated from this sequence listing and the U.S. Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this sequence listing to our Deposit Account No. 03-1952. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: November 26, 2001

By:

  
\_\_\_\_\_  
Karen R. Zachow  
Registration No. 46,332

Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
Telephone: (650) 813-5895  
Facsimile: (650) 494-0792



Box/Seq.

PTO/SB/21 (08-00)

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	08/1422
Filing Date	August 10, 2001
First Named Inventor	Dary VAN NEST
Group Art Unit	1832
Examiner Name	To Be Assigned
Attorney Docket No.	377892001420

Total Number Of Pages In This Submission 26

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form plus copy for fee processing (2 pages)	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply (5 pages)	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declarations	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	1. Copy of Notice to File Missing Parts of Nonprovisional Application (2 pages)
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	2. Paper copy of the "Sequence Listing" (6 pages)
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s)	3. Computer readable form (CRF) copy of the "Sequence Listing"
<input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	4. Declaration for Utility Patent Application (2 pages)
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 (2 pages)		5. Prosecution by Assignee and Power of Attorney (3 pages)
		6. Certificate Under 37 C.F.R. § 3.73(b) and copy of Joint Assignment (3 pages)
		7. Return Receipt Postcard

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Morrison & Foerster LLP, 755 Page Mill Rd, Palo Alto, CA 94304-1018
Signature	<i>Karen R. Zachow</i>
Date	November 26, 2001

### CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on November 26, 2001.

Date: Nov. 26, 2001

*Hazel M. Raskowitz*  
Hazel M. Raskowitz

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# FEE TRANSMITTAL FOR FY 2002

Patent fees are subject to annual revision.

Complete if Known

Application Number	09/927,422
Filing Date	August 10, 2001
First Named Inventor	Gary VAN NEST
Examiner Name	To Be Assigned
Group Art Unit	1632
Attorney Docket No.	377882001420

TOTAL AMOUNT OF PAYMENT (\$)**1553.00**

### METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:
- Deposit Account Number: **03-1952**
- Deposit Account Name: **Morrison & Foerster LLP**
- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
- Applicant claims small entity status. See 37 CFR 1.27
2.  Payment Enclosed:
- Check  Credit Card  Money Order  Other

### FEE CALCULATION (continued)

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	65.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify)					
*Reduced by Basic Filing Fee Paid					<b>SUBTOTAL (3) (\$)65.00</b>

### FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	370.00
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
<b>SUBTOTAL (1)</b>					<b>(\$)370.00</b>

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
124-20=	104	x \$9.00	= \$936.00
Independent Claims 4-3 =	1	x \$42.00	= \$42.00
Multiple Dependent			= \$140.00

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claims, if not paid	
109	84	209	42	**Reissue independent claims over original patent	
110	18	210	9	**Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>					<b>(\$)1118.00</b>

\*\* or number previously paid, if greater; For reissues, see above.

SUBMITTED BY: **Karen R. Zachow** (Name/Type), **Karen R. Zachow** (Signature)

Registration No. (Attorney/Agent): **46,332**

Telephone: **(650) 813-5895**

Date: **November 26, 2001**

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